1st.

An ACCOUNT of the Full

Tryal and Examination

OF

spencer Cooper Esq.

AT

Harford Assizes on *Wednesday the* 19th. of this instant *July* 1699. for the Murther of Mrs. Sarah *Stout* on the 13th. of March last, and of his being accquited, before *the* Honorable *Baron Hatsell.* 21. July. 1699.

ON *Wednesday* the 19th of this Instant *July*, 1699. the Court being Set, and the Jury Impannel'd, and Sworn, *Spencer Cooper*, Esq; was brought to the Bar, where he was Indicted for the Murther of Mrs. *Sarah Stout*, a Quaker, on the 13th of *March* last. The Substance of the Evidence against him was to this Effect, That the said *Spencer Cooper*, Esq; came to the House of Mrs. *Sarah Stout*, on the 13th of *March* last, and Din'd with her and her Mother: Some small time after Dinner, took his leave, but promis'd to come again at Supper; which accordingly he did with an intention, as they suppose, to slay all that Night, and then the Deceased Mrs. *Sarah Stout*, at about 11 a Clock the same Night, ordered the Maid to warm a *Bed* for the Prisoner Mr. *Cooper*. The said Maid also deposed, That she left her Young Mistress in the Parlour with Mr, *Cooper*, none being in the Room but they two; who after having been a little time above Stairs, she heard the Door clap too, and not seeing Mr. *Cooper* come up to *Bed*, she thereupon immediately went down Stairs again; and finding both her Mistress and *Mr. Cooper* gon out, she stayed in the House by the fire, expecting their returns, but although she sat up all Night; she saw neither of them till next *Morning*, at which time her *Mrs.* was found dead in the River.

The next Evidence for the King was *James Berry*, a Miller who depos'ed that as he going out Early in the Morning by the Riverside, he found, to his great amazment the aforesaid Mrs. *Sarah Stout* dead, Floating upon the water, and thereupon he call'd several People who were than passing by to behold her, by means of which, sixteen Evidence were produced in Court, who confirm'd the same, and spoke to the same Effect as the other Evidences.

The other Evidence for the King were Eight or Nine Surgeons, who unanimously dispos'ed that there was several remarkable Circumstances, which made them suspect she was Murthered before she was thrown into the water; and the reasons that they gave were because of several Bruises, or signes of violence upon several parts of her Body Particularly about her Neck, which supposed to be occasion'd by a small Coard with which she was Strangled: And that which further confirm'd their opinion was several Bruises on her left Arm, which they Concluded might be done Dragging her towards the waterside to Murther her.

They also deposed that upon a report that was spread abroad of her being with Child, and that she Drowned herself to avoid the shame; she was taken up out of the Ground after she had been buried about six Weeks; and upon that account opened in the presence of seven skillful Surgeons and others, who then made Oath that she was not with Child, and further asserted that her Death was not occasion'd by Drowning by reason not above 3 Ounces of water found within her Body, and further they argued that if she had been Drowned, the water which remained in her would have Perrished and Corrupted her Intrails, that they could not have possibly distinguished one part from an other, which on the Cotrary was found very sound, fair and intier.

The Evidence against *Mason*, *Stevens*, and *Rogers*, who were Indicted for being concern'd with Mr. *Cooper* as Accessary with him in the said Murther, was *John Gurry*, who depos'ed, That the said *Stevens* and *Rogers* Lodging at his House, *Mason* came to them the same Night, and said that the Business was done,

and her Courting-Days were over, and at the same time mention'd the said Mrs. Stout by Name.

Moreover, *Martha Gurry*, and *Elizabeth Gurry* also deposed, That *Maston* came into the House not only very dirty, but in a great heat, and that he and the rest talked very freely amongst themselves of their getting Fifty pounds each of them that same Day.

Mary Richardson likewise deposed, That the aforesaid three men came to her House at *Hoadon*, and the Night following, and asked her whether she did know *Mrs* Sarah Stout, *and Discoursed concerning her misfortune after a merry bantering manner.*

The Evidence for the Prisoner Mr. Cooper *was one Mr.* Due, *and several others, who deposed, That the cause of the Deceased's not sinking in the River, was by the vehement strength and force of the Water, which driven against the Flood-Gates or Hatches, where she hung by one Arm, her Cloathes at the same time supporting her above Water from sinking. Besides, Ten Doctors and very Eminent Surgeons deposed, That any Man or Woman might be drowned with two or 3 Ounces of Water, by penetrating into the Wind Pipe, which proves fatal them immediatly, without any entrance of the water into the Body.*

Mr. Bon *and near twenty more Witnesses deposed, That she had been in a Melancholy Temper a considerable time, before this her untimely Fate.*

And Madam Cooper, *who is Wife to the Prisoner's Brother, affirm'd in Court, That the Deceased* Mary Stout *was so Melancholy that she once threatned to destroy her self out of the Window some considerable time before this late and unfortunate accident happened*

Madam Toler, *Wife to the under Sheriff affirm'd in open Court, that she heard the Deceased,* Mary Stout, *talk as if she designed to Drown herself, some time before the said Misfortune happened to her.*

Joseph Taylor, *also deposed that seeing her with some Dirty Head Cloaths on, some days before this aforesaid Disaster, he took occasion to ask her the reason thereof, upon which she Imediatly replyed that they were clean enough for the time she should have occasion to wear them, or words to that effect.*

Mr. Cooper *having argued very Learned in his own deffence, produced several Letters under Mrs.* Sarah Stouts *own Hand wherein she expressed a bundance of indearing Love and kindness to him, and declared her mind to him with such freedom and plainess, that she as it were seeming ly importun'd him to Cohabit with her, which he refusing it brought her into such dispair that might occasion her untimely Disaster.*

The said Prisoner Mr. Cooper *had the Honour of several Persons of great Quallity, who appeared in his behalf among whom was Sir* William Ashurst, *Sir* Thomas Lane, *the Worshipful Justice Cock,* of Southwarke, *and many other Persons of extraordinary Note and Eminency.*

The Trial was very long and tedious continuing from Seven a Clock in the *Morning till four in the Afternoon, all which time the case on both sides was managed with all the* Legal Fairness *and care imaginable, so after the* Court *had summ'd up the most* Material *Circumstances, the* Jury *thereupon withdrew for a considerable time when having carefully weighed and considered each particular relating thereto, they brought* Spencer Cooper, Esq. *in not Guilty, as they did also the other three that was accused of being concerned in the aforesaid Murther.*

Licensed according to Order.

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